
19th JANUARY, 1803.

Read the first and second time, and ordered to be committed to a Committee of the whole House on Monday next.

A B I L L

For the encouragement of Learning, and for the promotion of Useful Arts.

1 **Be it enacted**, by the Senate and House of Representa-
2 tives of the United States of America, in Congress assembled,
3 That when any person or persons, being a citizen or citizens of
4 the United States, or having resided therein for two continued
5 years, immediately before his or their application for a patent as
6 herein after mentioned, shall be desirous of obtaining a patent for
7 any invention, discovery, or improvement, by him or them alledged
8 to be made of, or in any new or useful art, machine, manufacture,
9 or composition of matter, he or they shall pay to the treasurer of
10 the United States the sum of thirty dollars, for the payment of

11 which, duplicate receipts shall be given, one of which the appli-
 12 cant or applicants for a patent, shall file in the office of the secretary
 13 of state, together with a specification by him or them subscribed,
 14 which shall refer neither to the drawings nor model herein after
 15 mentioned, and which shall contain an explanation of the manner
 16 of making, using, applying and compounding the said invention,
 17 discovery or improvement, in such full, clear, and exact terms, as
 18 to distinguish the same from all other things before known, and to
 19 enable any person skilled in the art or science, of which it is a
 20 branch, or with which it is most nearly connected, to make, use,
 21 apply and compound the same, accompanying the said specifica-
 22 tion with drawings and written references thereto, explanatory of
 23 the same, where the nature of the case admits of drawings. And
 24 the said applicant or applicants shall moreover make oath or affir-
 25 mation that he or they are citizens of the United States, or as the
 26 case may be, have resided therein for two continued years immedi-
 27 ately before; that he or they verily believe themselves the first and
 28 true inventors or discoverers of the matters contained in the spe-
 29 cification, on which shall be indorsed a certificate of the said oath,
 30 subscribed by the applicant or applicants, which shall be taken be-
 31 fore any person legally qualified to administer oaths, of which
 32 qualification, if the person administering the oath reside within the
 33 district of Columbia, due proof shall be made by the certificate un-
 34 der seal of a notary public or clerk of a county court within the
 35 United States, and in case the secretary of state shall deem it re-

36 quifite, the faid applicant or applicants fhall moreover lodge in his
 37 office an operative or other fubftantial model, (at the difcretion of
 38 the faid fecretary) of his or their invention, difcovery or improve-
 39 ment.

1 SECT. 2. *And be it further enacted*, That upon fulfilling the
 2 requifites aforefaid, letters patent fhall be ifsued to the faid appli-
 3 cant or applicants, his, her or their heirs and affigns, granting to
 4 him or them, their heirs and affigns, for any term not exceeding
 5 fourteen years, at the difcretion of the fecretary of ftate, the full
 6 and exclusive right and liberty of making, uſing, applying, and
 7 compounding the faid invention, difcovery or improvement, and
 8 of vending to others to be uſed, the faid invention, difcovery or
 9 improvement, and the ſpecification ~~fhall be annexed to and form~~
 10 a part of the faid letters patent.

1 SECT. 3. *And be it further enacted*, That every affignment of
 2 a patent right, or of any part thereof fhall be made in writing un-
 3 der the hand and feal of the affignor and attested by two witneſſes,
 4 and before it fhall avail the affignee, it fhall be recorded in the
 5 office of the fecretary of ftate, who fhall cauſe the time of its being
 6 admitted to record to be noted: *Provided*, that no ſuch affignment
 7 fhall be admitted to record as aforefaid until it fhall have been ac-
 8 knowledged before a judge of ſome court of record of the United
 9 States, or of an individual ftate, and in caſe the faid judge fhall
 10 reſide without the territory of Columbia, proof fhall be made of
 11 his certificate of the acknowledgment under the hand and official

12 seal of a notary public or clerk of a county court within the United
13 States.

1 SECT. 4. *And be it further enacted,* That when any person hath
2 made or shall have made any such invention, discovery, or improve-
3 ment, on account of which a patent might issue by virtue of this
4 act, and has or shall die before the same hath been granted, the
5 right of applying for and obtaining such patent shall devolve on
6 the executors or administrators of such person, in trust for the heirs
7 at law of the deceased, in case he shall have died intestate, but if
8 otherwise, then in trust for his devisees in as full and ample man-
9 ner, and under the same conditions, limitations, and restrictions as
10 the same was held or might have been claimed or enjoyed by such
11 person in his or her life time. And when application for a patent
12 shall be made by such executors or administrators, the oath or
13 affirmation herein before directed, shall be so varied as to be appli-
14 cable to them and as the secretary of state shall approve.

1 SECT. 5. *Provided,* That any person who shall have discovered
2 an improvement in the principle of any machine, or in the process
3 of any composition of matter, which shall have been patented, and
4 shall have obtained a patent for such improvement, he shall not be
5 at liberty to make, use, or vend the original invention or discovery,
6 nor shall the first inventor or discoverer be at liberty to use the im-
7 provement: *And it is hereby enacted and declared,* That simply
8 changing the form or the proportions of any machine or compo-
9 sition

9 tion of matter in any degree, shall not be deemed a discovery,
 10 invention, or improvement.

1 SECT. 6. *And be it further enacted*, That upon oath or affirma-
 2 tion being made, before the judge of the district court, where the
 3 patentee, his executors, administrators or assigns reside, that any
 4 patent, which shall be issued in pursuance of this act, was obtained
 5 surreptitiously, or upon false suggestion, and motion made to the
 6 said court within three years after issuing the said patent, but not
 7 afterwards, unless where a patent shall have previously been issued
 8 for the same thing in this or some other country, it shall and may
 9 be lawful for the judge of the said district court, if the matter
 10 alledged shall appear to him to be sufficient, to grant a rule, that
 11 the patentee or persons claiming under him to be named in the
 12 motion, shew cause why process should not issue against him or
 13 them to repeal such patent, and if sufficient cause shall not be
 14 shewn to the contrary, the rule shall be made absolute, and there-
 15 upon the said judge shall order process to be issued against such
 16 patentee, or those claiming under him, with costs of suit ; and in
 17 case no sufficient cause shall be shewn to the contrary, or if it shall
 18 appear that the patentee was not the true inventor or discoverer,
 19 judgment shall be rendered by such court for the repeal of such
 20 patent ; and if the party, at whose complaint the process issued,
 21 shall have judgment given against him, he shall pay all such costs
 22 as the defendant shall be put to in defending the suit, to be taxed
 23 by the court, and recovered in due course of law.

1 SECT. 7. *And be it further enacted*, That where any patent
 2 shall be or shall have been granted pursuant to this or any former
 3 act of congress, and any person without the consent of the patentee,
 4 or of those claiming under him, first obtained in writing, shall
 5 make, devise, use, or sell the thing whereof the exclusive right is
 6 secured to the said patentee by such patent, such person so offending
 7 shall forfeit and pay to the party injured, a sum equal to three
 8 times the actual damage sustained, from or by reason of such offence,
 9 which sum shall and may be recovered by action on the case founded
 10 on this or any prior act, in the circuit court of the United
 11 States having jurisdiction thereof: *Provided*, that if judgment be
 12 given for the defendant in any suit commenced for such offence,
 13 the court may at their discretion award triple costs against the plaintiff:
 14 *Provided also*, That the defendant in such action shall be
 15 permitted to plead the general issue, and give this act and any
 16 special matter, of which, notice in writing may have been given to
 17 the plaintiff or his attorney, thirty days before trial, in evidence,
 18 tending to prove that the specification filed by the plaintiff, does
 19 not contain the whole truth relative to his discovery, or that it
 20 contains more than is necessary to produce the described effect,
 21 which concealment or addition shall fully appear to have been
 22 made for the purpose of deceiving the public, or the thing thus
 23 secured by patent, was not originally discovered by the patentee,
 24 but had been in use, or had been described in some public work,
 25 anterior to the supposed discovery of the patentee, or that he had

26 surreptitiously obtained a patent for the discovery of another per-
 27 son; in either of which cases judgment shall be rendered for the
 28 defendant, with costs, and the patent shall be declared void.

1 SECT. 8. *And be it further enacted,* That the secretary of state
 2 may with the concurrence of the secretaries of the treasury, war,
 3 or navy departments, or any two of them, refuse to issue a patent
 4 to any person claiming the same in virtue of this act.

1 SECT. 9. *And be it further enacted,* That in case of interfering
 2 applications, the same shall be submitted to the arbitration of three
 3 persons, one of whom shall be chosen by each of the applicants,
 4 and the third person shall be appointed by the secretary of state,
 5 and the decision, or award of such arbitrators, delivered to the
 6 secretary of state in writing and subscribed by them, or any two of
 7 them, shall be final, as far as respects the granting of the patent;
 8 and if either of the applicants shall refuse or fail to choose an ar-
 9 bitrator, the patent shall issue to the opposite party. And where
 10 there shall be more than two interfering applications, and the par-
 11 ties applying shall not all unite in appointing three arbitrators, it
 12 shall be in the power of the secretary of state to appoint three arbi-
 13 trators for the purpose.

1 SECT. 10. *And be it further enacted,* That for every copy which
 2 may be applied for at the office of the department of state of any
 3 patent or any paper respecting any patent, and for every record of
 4 any assignment of a patent right, there shall be paid by the appli-
 5 cant at the rate of twenty cents for every hundred words, and for

every copy of a drawing, a sum not less than two nor more than ten dollars, at the discretion of the secretary of state, the said fees to be accounted for with the treasury, half yearly.

SECT. 11. *And be it further enacted,* That the author and authors of any map, chart, or book, being a citizen or citizens of the United States, or resident therein at the time of his or their composing the same, and any person or persons who shall within the United States, invent, and design, engrave, etch, or work, or from his or their own work and inventions, shall cause to be designed, etched, engraved, or worked, any historical or other print or prints, and his and their heirs and assigns shall have the sole right and liberty of printing, re-printing, publishing, and vending such map, chart, book, or print, for the term of fourteen years from the time of depositing the title of the same in the office of the clerk of the district court as herein after mentioned; and if at the expiration of the said term of fourteen years, the author, or authors, or any of them of such map, chart, book, or print, be living and a citizen or citizens of the United States, the same exclusive right shall be continued to him or them, his or their heirs and assigns, for the further term of fourteen years: *Provided,* That he, or they shall cause the title thereof to be a second time recorded, and the entry printed, or impressed in the same manner as herein after directed, and that within six months after the expiration of the first term of fourteen years aforesaid: *And Provided,* That any contract for the sale of the copy-right for the second term of fourteen

23 years, or any part of the same, made or entered into before the
 24 expiration of the first, shall be utterly void.

1 SECT. 12. *And be it further enacted,* That if any person, or
 2 persons other than the author, or authors, shall from and after the
 3 recording of the title of any map, chart, book, or print, and prin-
 4 ting the record thereof as aforesaid, or impressing a map, chart, or
 5 print, as aforesaid, print, re-print, etch, engrave, or work, publish,
 6 import, or cause to be printed, re-printed, etched, engraved, or
 7 worked, published, or imported from any foreign state, or kingdom,
 8 any copy or copies of such map, chart, book, or print, or any
 9 substantive, or material part of the same, without the consent of
 10 the authors, or proprietors thereof, first had and obtained in writ-
 11 ing, signed in the presence of at least two credible witnesses, or
 12 knowing the same to be so unlawfully printed, re-printed, or im-
 13 ported, shall publish, sell, or expose to sale, or cause to be publish-
 14 ed, fold, or exposed to sale, any copy of such map, chart, book, or
 15 print, or substantive, or material part of the same, without such
 16 consent in writing, first had and obtained as aforesaid, then such
 17 offender or offenders shall forfeit the plate or plates, if the offence
 18 be committed by engraving, etching, or working, a map, chart, or
 19 print, and all and every copy and copies of such map, chart, book,
 20 or print, and all and every sheet and sheets, being part of the same
 21 or any of them, found in his or their possession, to the authors and
 22 proprietors of such map, chart, book, or print; and every such
 23 offender shall also forfeit and pay three times the value of every

24 such copy or copies, sheet and sheets so found in his or their
25 possession, contrary to the true intent and meaning of this act, the
26 one moiety thereof to the authors or proprietors of such map,
27 chart, book, or print, and the other moiety thereof to and for the
28 use of the United States, to be recovered by action of debt in any
29 court of the United States, in which the same is cognizable.

SECT. 13. And be it further enacted, That no person shall be entitled to the benefit of this act unless he shall deposit before publication a copy of the title of such map, chart, book, or print, in the office of the clerk of the court of the United States for the district in which the authors or proprietors or some one of them shall reside; and the clerk of the said court is hereby directed and required to record the same forthwith in a book to be kept by him for that purpose, in the form following, (giving a copy thereof to the said authors or proprietors, under the seal of the court, when required) " District of _____ to wit: Be it remembered, that on the _____ day of _____ in the _____ year of the independence of the United States, A. B. of the said district [or otherwise if there be more than one person] hath deposited in this office the title of a map, chart, book, or print [as the case may be] the right whereof he claims as author or proprietor [as the case may be] in the words following to wit, [here insert the title] in conformity to the act of congress, entitled, " An Act

C. D. Clerk of the district court of _____

for which the said clerk shall be entitled to receive the sum of sixty

20 cents from the person applying for the same, and for every copy
 21 of the said record under seal, sixty cents : *Provided also*, That
 22 any person so claiming the benefit of this act shall cause a copy of
 23 the said record, if relating to a book to be printed at full length on
 24 one of the two pages succeeding the title page thereof; or if to a
 25 map, chart, or print, he shall cause the following words to be im-
 26 pressed on the face of every copy thereof. “ Entered according
 27 to act of congress the day of [here insert
 28 the date where the same was deposited in the clerks office] by
 29 A. B. of the state of [here insert the name of the author
 30 or proprietor, and the state in which he resides.] And such author
 31 or proprietor shall moreover within six months after the date of the
 32 said record, deliver or cause to be delivered to the secretary of
 33 state, a copy of the said map, chart, book, or print to be preserved
 34 in his office, and a minute of the date of the receipt of the said
 35 map, chart, book, or print, shall be entered and preserved at the
 36 said office, and a certified copy of the said minute under the seal
 37 of the department of state shall be received as evidence in every
 38 court of justice ; for which certified copy, when demanded, shall be
 39 paid for the use of the United States, the sum of one dollar.

1 **SECT. 14.** *And be it further enacted*, That every assignment
 2 of a copy-right shall be recorded in the office of the clerk of the
 3 court wherein the title page shall have been recorded as herein
 4 before directed, for which assignment the said clerk shall be enti-

5 tled to receive from the party applying, at the rate of twenty
6 cents for every hundred words of the same.

1 SECT. 15. *And be it further enacted,* That if any person or
2 persons from and after the passing of this act, shall print or pub-
3 lish any map, chart, book or books, print or prints, who have not
4 legally acquired the copy-right of such map, chart, book or books,
5 print or prints, and shall, contrary to the true intent and meaning
6 of this act, insert therein, or impress thereon, that the same has
7 been entered according to act of congress, or words purporting
8 the same, or purporting that the copy-right thereof has been
9 acquired; every person so offending shall forfeit and pay the sum
10 of one hundred dollars, one moiety thereof to the person who
11 shall sue for the same, and the other moiety thereof to, and for the
12 use of the United States, to be recovered by action of debt in
13 any court of record in the United States, having cognizance
14 thereof: *Provided always,* That in every case for forfeitures
15 therein before given, the action be commenced within two years
16 from the time the cause of action may have arisen.

1 SECT. 16. *And be it further enacted,* That any person or per-
2 sons who shall print, engrave, etch, work or publish any manu-
3 script, map, chart, design or drawing, not before published, by
4 printing, engraving, etching or working, and of which the copy-
5 right might be secured under this act, without the consent or
6 approbation of the author or proprietor thereof, first had and
7 obtained in writing, in the presence of at least two credible wit-

8 nesses, shall be liable to suffer, and pay to the said author or
 9 proprietor, all damages occasioned by such injury, to be recovered
 10 by a special action on the case founded on this act, in any court
 11 having cognizance thereof.

1 SECT. 17. *And be it further enacted*, That the requisites hereby
 2 prescribed for securing the copy-right of maps, charts, books and
 3 prints, shall be performed and completed with respect to every
 4 part of any map, chart, book or print, which may be separately
 5 and originally published: *Provided*, That the copy-right of any
 6 number of volumes of a literary work, and any series or col-
 7 lection of maps, charts or prints, to which the same title page
 8 applies, and which shall be published together, shall be considered
 9 as secured under this act, though no more than one title page be
 10 recorded, and printed or impressed, as herein before provided.

1 SECT. 18. *And be it further enacted*, That all actions accruing
 2 under this act shall be commenced within eighteen months after
 3 the cause of action arises, and not afterwards, except where a
 4 different limitation is herein before provided.

1 SECT. 19. *And be it further enacted*, That the secretary of
 2 state be, and he hereby is authorized, to appoint a proper person
 3 to act under his direction, as superintendant of patents and copy-
 4 rights, who shall perform all such duties, and exercise all such
 5 powers under the direction aforesaid, as the said secretary might
 6 himself do by virtue hereof, excepting the power given to the
 7 said secretary in and by the ninth section hereof. That the said

8 superintendent shall receive for his compensation such annual
 9 sum as the secretary of state may allow to him from time to time :
 10 *Provided*, That it do not in any year exceed the aggregate of the
 11 sums actually received for the use of the United States under
 12 this act in the same year: and a separate account shall be kept at
 13 the treasury, of all sums of money received by virtue of this act.

1 SECT. 20. *And be it further enacted*, 'That this act shall take
 2 effect from and after the first day of July next, and that thereafter
 3 the acts severally entitled, " An Act to promote the progress of
 4 the useful arts, and to repeal the act heretofore made for that
 5 purpose,"

6 " An Act to extend the privilege of obtaining patents for use-
 7 ful discoveries and inventions to certain persons therein men-
 8 tioned, and to enlarge and define the penalties for violating the
 9 rights of patentees,"

10 " An Act for the encouragement of learning, by securing the
 11 copies of maps, charts, and books, to the authors and proprietors
 12 of such copies during the times therein mentioned,"

13 " An Act, supplementary to an Act, entitled, " An Act for
 14 the encouragement of learning, by securing the copies of maps,
 15 charts, and books, to the authors and proprietors of such copies
 16 during the time therein mentioned," and extending the benefits
 17 thereof to the arts of designing, engraving, and etching historical
 18 and other prints ;" shall be repealed, and cease to operate : *Provid-*
 19 *ed*, That their repeal shall not be construed to revive any act or

20 acts by them repealed: *And Provided*, That no action or right
21 accruing under the before recited acts shall be invalidated hereby:
22 but all patentees, and the authors and proprietors of maps, charts,
23 books, and prints, who shall have secured the exclusive copy-
24 right to the same, under the said acts, or any of them, before the
25 said first day of July, their heirs and assigns shall be considered
26 within the purview of this act, in respect to any violation of their
27 rights committed thereafter.